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PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(January 1, 1946, to June 30, 1946 (119 - 128))

U. S. DEPARTMENT OF AGRICULTURE

119. False labeling of red clover and orchard grass seed. U. S. v. The Belt Seed Co., Inc., Baltimore, Md. Plea of guilty. Fine \$120 and costs. (F. S. 434.)

The Belt Seed Co., Inc., Baltimore, Md., in September 1943, March 1944, and September 1944 delivered for transportation in interstate commerce from Baltimore, Md., to dealers in Virginia and Alabama a total of 10 bags of red clover seed and 24 bags of orchard grass seed.

Information was filed in the District Court of the United States for the District of Maryland alleging that the Belt Seed Co., Inc., did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to 10 bags of red clover seed shipped into Virginia failed to show that dodder, a noxious-weed seed, was present at the rate of 28 per ounce. Seed containing in excess of 12 dodder seeds per ounce is prohibited from sale in the State of Virginia and is therefore prohibited from transportation into that State by the Federal Seed Act. The labels also bore, in part, the statements "Germination 70% - Hardseed 20%"; whereas, the seed was found to have a germination of 46 percent with 5 percent hard seeds remaining.
2. Labels attached to 20 bags of orchard grass seed shipped into Alabama bore, in part, the statements "Primary noxious weeds 200 onion per lb - Secondary 450 buckhorn 300 daisy per lb"; whereas, the seed was found to contain a total of 8,528 of such noxious-weed seeds per pound and an additional 4,391 darnel seeds per pound. Darnel seeds are also considered noxious-weed seeds in the State of Alabama. Seed containing more than 600 primary and secondary noxious-weed seeds per pound is prohibited from transportation into that State by the Federal Seed Act.
3. Labels attached to four bags of orchard grass seed shipped into Virginia bore, in part, the statement "50 onion per pound"; whereas, the seed was found to contain wild onion seeds or bulblets, considered noxious-weed seeds, at the rate of 1,680 per pound.

On March 22, 1946, the Belt Seed Co., Inc., entered a plea of guilty and the court imposed a fine of \$40 on each of the three counts with costs.

120. False labeling of ryegrass seed. U. S. v. E. Vernon Burlingham and Charles Gordon Burlingham, partners in the firm E. F. Burlingham & Sons, Forest Grove, Oreg. Plea of nolo contendere. Fine \$30. (F. S. 437.)

E. F. Burlingham & Sons in August 1944 delivered for transportation in interstate commerce from Eugene and Brownsville, Oreg., to dealers in Arkansas a total of 735 bags of ryegrass seed.

Information was filed in the District Court of the United States in the District of Oregon alleging that E. F. Burlingham & Sons did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to 150 bags of the seed bore, in part, the statement "Weed .40 Percent - Name and Number of Noxious Weeds per Lb. Pure Seed, PRIMARY - 90 SORRELL SECONDARY - 90 BUCKHORN"; whereas, 12 individual bag samples showed noxious-weed seeds ranging from 45 to 5,274 per pound with an average content of sorrel seed, dock seed, and buckhorn seed at the rate of 592, 308, and 36 per pound, respectively. The variation in the noxious-weed seed content indicated the seed was not one lot of seed as defined under the Federal Seed Act.
2. Labels attached to 85 bags of the seed represented the seed to contain 90 sorrel seeds and 90 buckhorn seeds per pound; whereas, the seed was found to contain sorrel seeds, dock seeds, buckhorn seeds, and cheat seeds at the rate of 171, 189, 36, and 9 per pound, respectively. Dock seeds and cheat seeds are also considered noxious-weed seeds in the State of Arkansas.
3. Labels attached to 500 bags of this seed failed to show the presence of cheat seed, which was present at the rate of 72 per pound.

On January 3, 1946, the defendant entered a plea of nolo contendere and the court imposed a fine of \$10 on each of three counts.

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121. False labeling of lespedeza seed. U. S. v. Stegall & Co., Inc., Marshville, N. C. Plea of nolo contendere. Fine \$200. (F. S. 439.)

Stegall & Co., Inc., Marshville, N. C., in January 1945 delivered for transportation in interstate commerce from Marshville, N. C., to Stuart, Va., 60 bags of lespedeza seed.

Information was filed in the District Court of the United States for the Western District of North Carolina alleging that Stegall & Co., Inc., did unlawfully deliver for transportation in interstate commerce said shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags bore, in part, the statements "Pure Seed 98.50% - Weed Seed .50% - Name and Number of Noxious Weed Seed Per pound Primary 48 Dodder - Secondary NONE"; whereas, the seed was found to consist, in part, of 93.23 percent pure seed and 2.15 percent weed seed. The noxious-weed seed, dodder, was found to be present at the rate of 3,214 per pound. Seed containing 12 or more dodder seeds per ounce (192 per pound) is prohibited from sale or transportation in the State of Virginia and therefore is prohibited from delivery for transportation into that State under the Federal Seed Act.

On April 2, 1946, Stegall & Co., Inc., entered a plea of nolo contendere and the court imposed a fine of \$200.

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122. False labeling of orchard grass seed. U. S. v. 10 bags of orchard grass seed. Seed seized and returned to the shipper under bond for the purpose of reprocessing or relabeling to comply with the Federal Seed Act. (F. S. 440.)

E. K. Hardison Seed Co., Nashville, Tenn., on or about August 16, 1945, delivered for transportation in interstate commerce from Nashville, Tenn., to Hartselle, Ala., 10 bags of orchard grass seed.

A libel was filed in the District Court of the United States for the Northern District of Alabama praying seizure of this seed and alleging same to be falsely labeled and to contain noxious-weed seeds in excess of that permitted by the State into which the seed was shipped, in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain 1,060 sheep sorrel and 344 curled dock in 100 grams examined, or at the rate of 4,812 and 1,561 per pound, respectively. Sheep sorrel and curled dock are considered secondary noxious-weed seeds in the State of Alabama, and seed containing in excess of 500 secondary noxious-weed seeds is prohibited from sale in that State and therefore prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

In January 10, 1946, the seed was released to the claimant under bond for reprocessing or resale under supervision of the United States Department of Agriculture in compliance with the Federal Seed Act.

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123. False labeling of lespedeza seed. U. S. v. 255 bags of lespedeza seed. Seed seized and ordered delivered to charitable institutions to be denatured and used for feed. (F. S. 444.)

The Louisville Seed Co., Louisville, Ky., on or about November 9, 1945, delivered for transportation in interstate commerce from Louisville, Ky., to Winston-Salem, N. C., by J. G. Messick & Sons, 255 bags of lespedeza seed.

A libel was filed in the United States District Court for the Northern District of North Carolina praying seizure of this seed and alleging same to be falsely labeled and to contain noxious-weed seeds in excess of that permitted by the State into which the seed was shipped in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to be "For Processing"; whereas, the seed was being offered for sale for seeding purposes by J. G. Messick & Sons without processing and was found to contain dodder seeds, considered noxious-weed seeds, at the rate of 15,930 to 18,090 per pound. Seed containing dodder in excess of 400 seeds per pound is prohibited from sale in the State of North Carolina and therefore prohibited from transportation or delivery for transportation into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On June 5, 1946, no claimant having appeared, the court ordered the seed delivered to two charitable institutions to be denatured, such as by grinding, under supervision of the State Department of Agriculture and to be used for feed.

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124. False labeling of watermelon seed. U. S. v. seven bags of watermelon seed. Seed seized and ordered destroyed. (F. S. 448.)

W. H. Robinson, Inc., Cairo, Ga., on or about October 29, 1945, delivered for transportation in interstate commerce from Cairo, Ga., to East Rochester, N. Y., seven bags (440 pounds) of watermelon seed.

A libel was filed in the District Court of the United States for the Western District of New York praying seizure of this seed and alleging same to be falsely labeled with respect to the percentage of germination.

Labels attached to the bags represented the seed to have a germination of 80 percent or better; whereas, the seed was found to have a germination of 14 percent.

On June 10, 1946, no claimant having appeared, the court ordered the seed destroyed.

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125. False and incomplete labeling of alfalfa seed. U. S. v. five bags of alfalfa seed. Seed seized and ordered destroyed. (F. S. 450.)

The Belt Seed Co., Inc., Baltimore, Md., on or about March 28, 1946, delivered for transportation in interstate commerce from Baltimore, Md., to Elkins, W. Va., five bags of alfalfa seed.

A libel was filed in the District Court of the United States for the District of West Virginia praying seizure of this seed and alleging same to be falsely and incompletely labeled in that the labels failed to show the presence of noxious-weed seeds; whereas, a sample representing the seed was found to contain dodder seeds at the rate of 114 in 50 grams.

Alfalfa seed containing dodder seed at a rate in excess of 1 in 5 grams of alfalfa seed (10 in 50 grams) is prohibited from sale in the State of West Virginia and therefore is prohibited from shipment into that State under the Federal Seed Act. The seed was seized by the United States marshal.

On August 16, 1946, no claimant having appeared, the court ordered the seed destroyed.

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126. False labeling of millet seed. U. S. v. two bags of millet seed. Seed seized and ordered destroyed. (F. S. 452.)

Salisbury Seed and Feed Co., Salisbury, Md., on or about April 29, 1946, delivered for transportation in interstate commerce from Salisbury, Md., to Frederica, Del., two bags of millet seed.

A libel was filed in the District Court of the United States for the District of Delaware praying seizure of this seed and alleging same to be falsely labeled with respect to the percentage of germination.

Labels attached to the bags represented the seed to have a germination of 74 percent; whereas, the seed was found to have a germination of 5 percent. One remaining bag of the seed was seized by the United States marshal.

On June 28, 1946, no claimant having appeared, the court ordered the seed destroyed.

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127. False labeling of alfalfa, flax, corn, Reed canary grass, and sweetclover seed. U. S. v. Magill and Co., Inc., Fargo, N. D. Plea of guilty. Fine \$105. (F. S. 455.)

Magill and Co., Inc., Fargo, N. D., in February, March, and April 1945 delivered for transportation in interstate commerce from Fargo, N. D., to dealers in Minnesota seven separate shipments of seed.

Information was filed in the District Court of the United States for the District of North Dakota alleging that Magill and Co., Inc., unlawfully delivered for transportation in interstate commerce said shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to two bags of alfalfa seed shipped on or about February 19, 1945, to Lafayette, Minn., represented the seed to have 2 percent other crop seed and 1 percent weed seed; whereas, the seed was found to contain 2.88 percent crop seed and 2.19 percent weed seed.

2. Labels attached to four bags of alfalfa seed shipped on or about February 21, 1945, to McIntosh, Minn., represented the seed to contain 1 percent weed seed; whereas, it was found to contain 2.23 percent weed seed.
3. Labels attached to 10 bags of flax seed shipped on or about March 9, 1945, to Thief River Falls, Minn., represented the seed to have a germination of 92 percent; whereas, the seed was found to have a germination of 82 percent. In addition, the label showed the date of test to be February 1944 which is more than 5 months, exclusive of the month of test, previous to the date of shipment in interstate commerce.
4. Labels attached to 40 bags of flax seed shipped on or about March 26, 1945, to Sauk Centre, Minn., represented the seed to contain 1 percent inert matter and to have a germination of 92 percent; whereas, it was found to contain 1.77 percent inert matter and to have a germination of 84 percent. In addition, the label showed the date of test to be February 1944 which is more than 5 months, exclusive of the month of test, previous to the date of shipment in interstate commerce.
5. Labels attached to five bags of corn seed shipped on or about March 17, 1945, to Halstad, Minn., represented the seed to have a germination of 90 percent; whereas, the seed was found to have a germination of 65 percent.
6. Labels attached to one bag of Reed canary grass seed shipped on or about March 21, 1945, to Albany, Minn., represented the seed to have a germination of 73 percent; whereas, it was found to have a germination of 26 percent.
7. One bag of sweetclover seed shipped on or about April 3, 1945, to Bagley, Minn., was represented to be white sweetclover seed; whereas, it was found to be 82.79 percent white sweetclover seed and 16.56 percent yellow sweetclover seed.

On June 28, 1946, Magill and Co., Inc., entered a plea of guilty and the court imposed a fine of \$15 on each of the seven counts, or a total of \$105.

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128. False labeling of sorghum seed. U. S. v. 25 bags of sorghum seed. Seed seized and released to a public institution for feed. (F. S. 456.)

Reuter Seed Co., New Orleans, La., on or about February 2, 1946, delivered for transportation in interstate commerce from New Orleans, La., to Selma, Ala., 25 bags of sorghum seed.

A libel was filed in the District Court of the United States for the Southern District of Alabama praying seizure of this seed and alleging same to be falsely labeled with respect to the percentage of germination.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, it was found to have a germination of 54 percent. The seed was seized by the United States marshal.

On July 10, 1946, the seed was released to a public institution to be used for feed.

INDEX, BY DEALER, TO CASES OF PROSECUTION AND SEIZURE
UNDER THE FEDERAL SEED ACT, 119-128

<u>Dealer and Kind of Seed.</u>	<u>Reference No.</u>
The Belt Seed Company, Inc., Baltimore, Maryland	
Red clover and orchard grass.....	119
Alfalfa.....	125
E. F. Burlingham and Sons, Forest Grove, Oregon	
Ryegrass.....	120
E. K. Hardison Seed Company, Nashville, Tennessee	
Orchard grass.....	122
Louisville Seed Company, Louisville, Kentucky	
Lespedeza.....	123
Magill and Company, Inc., Fargo, North Dakota	
Alfalfa, flax, corn, Reed canary grass, and sweetclover....	127
Reuter Seed Company, New Orleans, Louisiana	
Sorghum.....	128
W. H. Robinson, Inc., Cairo, Georgia	
Watermelon.....	124
Salisbury Seed and Feed Company, Salisbury, Maryland	
Millet.....	126
Stegall and Company, Inc., Marshville, North Carolina	
Lespedeza.....	121